Appl. No. 09/865,471
Examiner: Phillips, Hassan A, Art Unit 2151
In response to the Office Action dated September 23, 2004

Date: January 21, 2005
Attorney Docket No. 10112071

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and receipt of the certified copy of the priority document. Responsive to the Office Action mailed on September 23, 2004 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1-36 are pending. Claims 1-36 are rejected under 35 U.S.C 103(a) as being unpatentable over Ballard (U.S. Patent 6,182,050) in view of Lerman et al (U.S. Patent 6,378,036). The drawings are objected to as failing to comply with 37 C.F.R. 1.84(p)(5). Claims 9, 18, 27 and 36 are objected to for grammatical errors.

In this paper, claims 1, 10, 19, 28 have been amended to recite novel and non-obvious features of the embodiments of the invention claimed in this application. Support for these amendments can be found in pages 6-11 of the specification. Claims 9, 18, 27, 36 have been amended to improve grammar. Applicant submits that the objections to claims 9, 18, 27 and 36 are thereby overcome.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Drawings

The drawings are objected to as failing to comply with 37 C.F.R. 1.84(p)(5). Specifically, the office action states that Fig. 5 does not show priority number 62. Applicant notes that Fig. 5 shows channel unit 24. Fig. 6 shows channel unit 24 of Fig. 5 in further detail, wherein priority number 62 is shown therein. It is therefore Applicant's belief that the "reference characters" mentioned in the description ... appear in the drawings", as required by 37 C.F.R. 1.84(p)(5). Applicant respectfully requests that the objection to the figures be withdrawn.

Rejections Under 103(a)

Claims 1-36 are rejected under 35 U.S.C 103(a) as being unpatentable over Ballard in view of Lerman et al. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

Ballard teaches a system and method of on-line distribution of advertisements using target criteria screening. Lerman et al teach a queuing architecture.

Whether taken alone or in combination, Ballard and Lerman et al fail to teach or suggest a method or system for real-time data scheduling for displaying real-time data wherein the channel unit sends a channel request, receives corresponding channel-data, *determines one of the queues that the channel-data to be entered according to the queue number of the channel-data*, and defines the time to enter into the queue according to the timer of the channel-data, *in which respective queues have a corresponding priority, and channel-data in the queue with higher priority is retrieved prior than that in the queue with lower priority*, as recited in claims 1 and 19.

MPEP 2142 reads in part:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In connection with the third criteria, MPEP 2143.03 goes on the state:

> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

In the embodiment of the invention recited in claims 1 and 19, the client has a plurality of queues, each having a corresponding priority. Data in a queue with higher priority is retrieved prior than that in a queue with lower priority. Respective channel-data may also have a queue

number indicating the importance thereto. The queue that the channel-data is entered into is determined according to the queue number of the channel-data. Thus, in the embodiment of the invention recited in claims 1 and 19, the channel-data in the queue with lower priority is displayed only when the queue with higher priority is empty.

As Ballard and Lerman et al fail to teach at least the limitations noted above, it is Applicant's believe that claims 1 and 19 are patentable over the cited references. Insofar as claims 2-9 and claims 20-27 directly or indirectly depend from claims 1 and 19, respectively, these claims are similarly believed to be patentable. The Examiner's arguments in connection with claims 2-9 and claims 20-27 are thus considered moot and will not be addressed here.

Whether taken alone or in combination, Ballard and Lerman et al fail to teach or suggest a method or system for real-time data scheduling for displaying real-time data wherein the channel unit sends a channel request, receives the corresponding channel-data, *determines whether a corresponding queue is already generated according to the priority number of the channel-data*, if yes, defines the time to enter into the queue according to the timer of the channel-data, *if not, generates the corresponding queue*, and defines the time for the channel-data to enter into the queue.

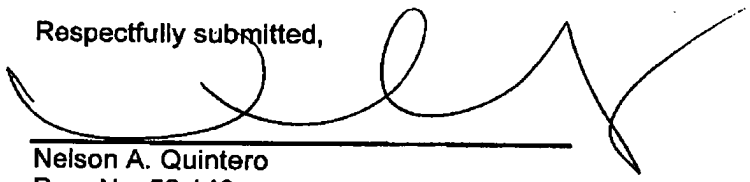
In Ballard and Lerman et al, the queues are fixed. In the embodiment of the application, however, the queue can be dynamically generated. A queue can be generated according to the request of the channel-data, and based on the priority number thereof.

As Ballard and Lerman et al fail to teach at least the limitations noted above, it is Applicant's belief that claims 10 and 28 are patentable over the cited references. Insofar as claims 11-18 directly or indirectly depend from claims 10, and claims 29-36 directly or indirectly depend from claims 28 are similarly believed to be patentable. The Examiner's arguments in connection with claims 11-18 and claims 29-36 are thus considered moot and will not be addressed here.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so.

Respectfully submitted,



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